

Trial Section Merits Panel
BOX INTERFERENCE
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID CHANTRY,
PATRICK W. GRAY, and MERL F. HOEKSTRA
(5,532,151),

Junior Party,

v.

JEFFREY L. BENOVIC,
JORGE GOMEZ, and PRIYA KUNAPULI
(08/464,954),

Senior Party.

Interference No. 104,589

Before SCHAFER, TORCZON, and MEDLEY, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662(c))

INTRODUCTION

Chantry has filed a disclaimer of claims 1-3 and 5-13, all of its claims corresponding to the count (Paper No. 11). A disclaimer of all claims corresponding to the count is treated as a request for adverse judgment pursuant to 37 CFR § 1.662(c).

35 U.S.C. § 135(c) Notice: Failure to file a copy of any agreement regarding the termination of this proceeding may render the agreement and any resulting patents unenforceable. See section 135(c) and 37 CFR § 1.661 for more details.

ORDER

Upon consideration of the record of this interference, it is—

ORDERED that judgment on priority as to the sole count is awarded against junior party Chantry;

FURTHER ORDERED that Chantry is not entitled to a patent containing claims 1-3 and 5-13 of its 5,532,151 patent, which correspond to the count;

FURTHER ORDERED that, based on the record before us, senior party Benovic is entitled to a patent containing claims 1, 6, and 20 of its 08/464,954 patent application, which correspond to the count;

FURTHER ORDERED that a copy of Paper No. 11 be given a paper number and be entered in the administrative record of Chantry's 5,532,151 patent; and

FURTHER ORDERED that this decision be given a paper number and be entered in the administrative record of Chantry's 5,532,151 patent and of Benovic's 08/464,954 patent application.

RICHARD E. SCHAFER
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

SALLY C. MEDLEY
Administrative Patent Judge

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INTERFERENCE
TRIAL SECTION

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